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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
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June 25, 1998

HAND DELIVERY

cc 92-77

Federal Communications Commission  
Accounting and Audits  
P.O. Box 358140  
Pittsburgh, PA 15251-5140

Re: One Call Communications  
Petition for Waiver of Sections 64.703 and 64.710 of the Commission's  
Rules

To whom it may concern:

Attached please find an original and four copies of a "Petition for Waiver" of One Call Communications. Also attached is a check in the amount of \$5,665.00 payable to "FCC" and a completed FCC Form 159.

Should you have any questions concerning this matter, please contact the undersigned.

Sincerely,

*Teresa Werner*

Teresa S. Werner

Counsel for One Call Communications

Enclosures

No. of Copies rec'd  
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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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JUN 25 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In The Matter of )  
 )  
Billed Party Preference ) CC Dkt. No. 92-77  
for InterLata 0+ Calls )

**OPTICOM PETITION FOR WAIVER**

One Call Communications, Inc., d/b/a OPTICOM ("Opticom"), by its attorney and pursuant to Section 1.3 of the Commissions rules,<sup>1</sup> hereby requests a waiver of the July 1, 1998 implementation date of Sections 64.703 and 64.710 of the Commission's rules, which were adopted in the Commission's Second Report and Order and Order on Reconsideration in the above captioned proceeding.<sup>2</sup> The Second Report and Order states that the Commission will consider waiver requests on a specific factual showing of good cause.<sup>3</sup> In its April 9, 1998 Petition for Reconsideration filed in the above captioned proceeding, Opticom stated that it may require a waiver of the July 1, 1998 implementation date of these new rules.

**Introduction and Summary**

The Second Report and Order requires that operator service providers ("OSPs") offer consumers the option to obtain on-demand rate branding for interstate, interLATA calls placed from aggregator phones by July 1, 1998. For technical reasons, as described below, Opticom does not have the capability to provide a rate quote to the terminating party of a collect call (the "called

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> In the Matter of Billed Party Preference for InterLATA 0+ Calls, Second Report and Order and Order on Reconsideration, CC Dkt. No. 92-77, 1998 WL 31845 ("Second Report and Order").

<sup>3</sup> Id. at ¶ 27.

party") by the July, 1998 implementation date. Offering a rate quote to this class of called party requires a significant change to Opticom's operator network, as well as major hardware and software development and procurement. In addition, any such new system will need a significant amount of testing time.

The Commission has granted OSPs using store and forward technology until October 1, 1999 to modify or replace equipment in order to comply with the new rate branding rules. Several facilities based OSPs, including Opticom, have filed petitions for reconsideration or clarification asking for an extension of time to comply with the rules to mirror that provided to OSPs using store and forward technology. Opticom respectfully requests a waiver of the July 1, 1998 implementation date to allow Opticom until October 1, 1999 to implement the new rules as they apply to the called party of a collect call.<sup>4</sup>

### **Argument**

Opticom has supported the Commission's efforts to require the disclosure of specific rate information prior to call completion.<sup>5</sup> Upon further review, however, Opticom has discovered that it will not be able to provide this rate branded information to the called party of a collect call by July 1, 1998. With a collect call, the rate disclosure would occur at the terminating end of the call. Providing this rate information this far into the call is technically impossible at this time for Opticom and other providers.<sup>6</sup>

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<sup>4</sup> In its Further Comments, Opticom estimated that it would take a team of at least two people working between eight and eighteen months to implement an on demand system. See Further Comments of One Call Communications, Inc. d/b/a OPTICOM, CC Dkt. No. 92-77, submitted November 13, 1996 ("Further Comments"). Opticom raised the same point in its Petition for Reconsideration. See Petition for Reconsideration of One Call Communications, Inc. d/b/a OPTICOM, CC Dkt. No. 92-77, submitted April 9, 1998.

<sup>5</sup> See Comments of One Call Communications, Inc. d/b/a OPTICOM, CC Dkt. No. 92-77, submitted July 17, 1996 ("Comments"); Further Comments of One Call Communications, Inc. d/b/a OPTICOM, CC Dkt. No. 92-77, submitted November 13, 1996 ("Further Comments"); Reply Comments of One Call Communications, Inc. d/b/a OPTICOM, CC Dkt. No. 92-77, submitted December 3, 1996 ("Reply Comments").

<sup>6</sup> See AT&T Petition for Waiver, filed May 18, 1998; LCI International Telecom Corp. Petition for Limited Waiver, filed June 8, 1998; MCI Telecommunications Corporation Petition for Waiver, filed June 5, 1998.

Immediately after the release of the Second Report and Order, Opticom sought the services of Harris Digital Telephone Systems ("Harris"), the current provider of Opticom's Harris/Protocall Operator Services Platform, to create a system that would allow Opticom to comply with the Commission's on-demand rate branding requirements. This vendor had initially informed Opticom that it would have a solution for collect calls by the July 1, 1998 deadline. However, it has become apparent that the estimated time for delivery was optimistic. For the reasons stated below, Opticom requests a waiver of Sections 64.703 and 64.710 of the Commission's rules until October 1, 1999.

Currently, recipients of a collect call placed through Opticom have two options - they may either accept or deny an incoming call. In order to provide a rate quote to the called party when an automated system is used, Opticom's switches must be modified with the appropriate software to either electronically provide the appropriate rate quote to the called party, or allow the called party to access a live operator to receive a rate quote. Both of these options require substantial changes to Opticom's existing network. Although Opticom is striving to implement a system that complies with the Commission's new rules at the earliest possible date, it has become obvious that such a system will not be available by July 1, 1998.

Under the current automated operator system, the caller is required to dial a "1" to make a collect call, and then is prompted to state his or her name. The automated system delivers the call to the called party, plays a branded greeting message, and prompts the called party to dial a "1" to accept the call after playing back the recording of the caller's name. The automated system needs to be modified such that the prompt requesting the called party to accept the call is expanded to allow for the option to hear a rate quote. If the called party opts to hear a rate quote, the called party will receive the quote while the calling party is "parked" on the "Held Party Bridge."<sup>7</sup> This feature is not available today, but is a key feature to providing called parties in collect calls with a rate quote. Harris is still in the process of developing software to allow for the called party to receive a rate

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<sup>7</sup> See also, MCI Petition For Waiver, filed June 5, 1998.

quote. Once Harris completes its development and testing phase, the system will be delivered to Opticom. Once the software is installed into Opticom's network, more testing and development must be completed before the system will become operational.<sup>8</sup>

Once the appropriate hardware is procured and the vendor software is developed, Harris must provide Opticom with training materials for Opticom employees and operators to use in conjunction with the new system. Currently, there is over a six month lag time between development of a new system and the creation of training materials and documentation for employees.

Some OSP calls rely on a live operator rather than an automated system as described above. The live operator will verbally give the called party of a collect call the opportunity to obtain a rate quote. Consequently, the operator work stations must be modified to display a visually noticeable message to this effect at the appropriate event within the processing of the call. The live operator must be trained to visually recognize this new message and to verbally offer the called party the option to receive a rate quote. The operator work stations must further be modified to detect which operator assisted calls require a rate quotation to be offered. Opticom currently has a total of 175 operator work stations housed in two operator centers. All 175 of Opticom's work stations currently operate using DOS, and will require an upgrade to Windows NT to be able to operate the on-demand rate branding Harris software which is only in the testing and development stages, and will most likely require additional versions to ensure that it is completely "debugged."<sup>9</sup>

In addition, Opticom must make appropriate internal enhancements to the system. For example, Opticom must ensure that the appropriate fraud control system is overlayed. Harris does not provide for this type of system, and Opticom cannot install such a system until its vendor has delivered the appropriate hardware and software. Opticom also develops its own enhanced 211

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<sup>8</sup> Opticom will also be required to upgrade the operating systems of its robotic operator service platforms.

<sup>9</sup> Separate and apart from these software upgrades, Opticom may be required to install additional memory and software into its machines.

system, which acts as a customer service help desk for Opticom's COCOT pay telephones which must be integrated into the Harris system. Opticom develops its own billing and rating package that must also be integrated into the Harris platform. Opticom currently utilizes more rate structures and rate plans than the Harris platform can support.<sup>10</sup> Thus, Opticom will require additional time to implement these features once Harris has developed and delivered the appropriate hardware and software.

### **Public Interest**

Under Section 1.3 of the Commission's rules, the Commission may waive any provision of its rules upon a showing of good cause. As shown by Opticom, it is technically impossible to comply with the collect call implementation date set forth by the Commission. Opticom is not alone. Several OSPs have petitioned the Commission for a similar waiver. AT&T, LCI, and MCI are all finding it impossible to implement a system that will provide on-demand rate quotes to the recipient of a collect call. Opticom respectfully submits that it faces the technical inability to comply with the Commission's rate disclosure rules for the recipients of collect calls by July 1, 1998.

### **Conclusion**

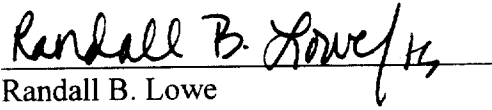
Opticom faces numerous and substantial technical hurdles in complying with the on-demand rate quote requirements set forth in the Commission's new rules. Opticom respectfully submits that it will need until October 1, 1999 to implement a system that will comply with these rules.

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<sup>10</sup> Currently, Harris' system can only support one tier of rates.

Respectfully Submitted,

One Call Communications, Inc. d/b/a  
OPTICOM

  
Randall B. Lowe

Piper & Marbury L.L.P.  
1200 19th Street, NW  
Washington, DC 20036  
(202) 861-3900

Its Attorney

Date: June 25, 1998

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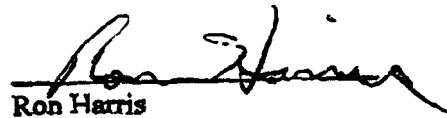
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**DECLARATION OF RON HARRIS**

I, Ron Harris, declare under penalty of perjury of the laws of the United States that the following statements are true to the best of my knowledge and belief:

1. I am employed by One Call Communications Inc., as Vice President, Network Operations.
2. I have reviewed the attached "PETITION FOR WAIVER" and the factual statements made therein are true to the best of my knowledge and belief.

  
Ron Harris

Date: June 24, 1998

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## CERTIFICATE OF SERVICE

I, Teresa Werner, hereby certify that on this 25th day of June, 1998, I caused true and correct copies of the foregoing PETITION FOR WAIVER of One Call Communications, d/b/a "Opticom" to be served via hand delivery upon those persons listed below.

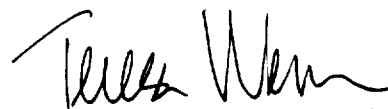
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Secretary  
Federal Communications Commission  
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Washington, DC 20554

Adrien R. Auger  
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Teresa Werner